

04-60003

Exhibit A

13 pgs.

A

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN KALYMON,  
a.k.a. IVAN/IWAN/JOHN  
KALYMON/KALYMUN

Defendant.

Case No.

**FILED**

**JAN 08 2004**

**CLERK'S OFFICE-DETROIT-PSG  
U.S. DISTRICT COURT**

AFFIDAVIT OF GOOD CAUSE IN SUPPORT OF COMPLAINT

(EXHIBIT A)

Dr. Elizabeth B. White declares under penalty of perjury as follows:

1. I am the Chief Historian at the Office of Special Investigations, Criminal Division, United States Department of Justice, and, as such, have access to records and information of the U.S. Immigration and Naturalization Service ("INS") as well as other agencies and organizations, regarding the wartime activities, immigration, and naturalization of John Kalymon ("Defendant"). These records and this information form the basis for this affidavit.

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2. Defendant was born on May 16, 1921, in Komancza (Komantscha), Poland to Teodor and Anastasia (née Suszko) Kalymon.

3. On August 1, 1941, the Government of Nazi Germany incorporated eastern Galicia, in present day western Ukraine, into the so-called Government General, a territory occupied by the Germans that comprised the central and southern part of prewar Poland. The new Galician territory, designated District Galicia, was ruled from the city of L'viv, which the Germans called Lemberg. In August 1941, the German Commander of the Order Police for District Galicia directed the formation of Ukrainian auxiliary police forces ("Ukrainian Auxiliary Police") to aid German occupation authorities in policing District Galicia.

4. In District Galicia, overall control of security and implementation of anti-Jewish policy, including the mass murder of Jews, belonged to the SS and Police Leader ("SSPF"). Under the SSPF, a senior Gestapo officer oversaw all anti-Jewish measures.

5. The SS and Police Leader was at the top of a chain of command that extended to the Ukrainian Auxiliary Police. The members of the Ukrainian Auxiliary Police in L'viv were uniformed, armed, paid a salary, and were given various benefits by German authorities. Throughout its existence, the Ukrainian

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Auxiliary Police was operationally directed and controlled by Nazi security authorities.

6. Enforcement of Nazi persecutory policies regarding the Jews and other racial or religious groups in District Galicia was one of the principal responsibilities of German security authorities. The policy toward the Jews had three components. First, all Jews in the district were confined in ghettos and issued new identification papers that identified them as Jews. Second, all Jews were forcibly removed from the ghetto for subsequent murder either by shooting or gassing. Third, a limited number of these Jews whom the Germans considered "work capable" were transferred to forced labor camps where many soon died from starvation, disease and other inhumane conditions. Nazi German security authorities depended on the Ukrainian Auxiliary Police in L'viv to implement all three of these components.

7. The Ukrainian Auxiliary Police in L'viv was organized in "commissariats" (akin to precincts). Each commissariat was responsible for a geographically defined section of the city and was tasked to enforce German rule, including day-to-day anti-Jewish policies.

8. As of May 1942, Defendant worked for the 5th Commissariat of the Ukrainian Auxiliary Police in L'viv. The 5th Commissariat (later renamed the 7th Commissariat) entirely

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encompassed the city's Jewish ghetto and had the most active contact with L'viv's Jewish population. The precinct was also contiguous with the northern edge of the Janowska Forced Labor Camp at the west end of the city. Defendant served in the 5th/7th Commissariat until at least September 1943. Sometime after September 1943, Defendant was transferred to the 4th Commissariat, where he served until at least March 1944.

9. On a routine and daily basis, the Ukrainian Auxiliary Police in L'viv, including the 5th/7th and 4th Commissariats, enforced the full panoply of Nazi persecutory measures against the Jews in the city. Ukrainian auxiliary policemen checked personal identification documents and arrested Jews lacking special work passes. Ukrainian auxiliary policemen also arrested Jews for failure to wear an armband with the Star of David that publicly identified them as Jews. Defendant, as an armed, uniformed member of the 5th/7th and 4th Commissariats, had the responsibility to enforce such laws on a day-to-day basis throughout his tenure in the Ukrainian Auxiliary Police.

10. The visible, public presence of uniformed, armed members of the 5th/7th and 4th Commissariats of the Ukrainian Auxiliary Police provided a conspicuous display of intimidation in L'viv. Jews, who saw the uniformed, armed members of the 5th/7th and 4th Commissariats and were aware of their responsibilities and the abuses they inflicted, lived in fear of

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them. As a result, the Jews of L'viv more readily submitted to Nazi anti-Jewish measures. Defendant, as a uniformed, armed member of the 5th/7th and 4th Commissariats of the Ukrainian Auxiliary Police contributed to that public intimidation of the Jews in L'viv.

11. In a series of operations conducted between March 1942 and June 1943, more than 100,000 Jews, constituting nearly the entire Jewish population of L'viv and surrounding areas, were seized, delivered to a central assembly point, and transported to killing centers or forced labor camps. Members of the 5th/7th Commissariat participated in almost every ghetto reduction operation. Defendant was a member of the 5th/7th Commissariat throughout this period and took part in some or all of those operations.

12. On May 11, 1942, after the first significant "ghetto reduction," Defendant and another Ukrainian auxiliary policeman were assigned to escort an unknown number of Jews to Pluhovo, site of an SS-run forced labor camp about forty miles east of L'viv. In the course of this transfer operation, Defendant and the other auxiliary policeman each expended six rounds of ammunition.

13. The "Great Operation" in the Jewish ghetto began on August 10, 1942. During this ghetto reduction action, the largest such operation in Galicia during the war, patrols

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composed of Ukrainian auxiliary policemen checked the identity papers of Jews in the ghetto and swept systematically through the apartment blocks looking for hiding Jews. Jews whose documents attested to employment in a German-sanctioned economic enterprise were generally left at liberty in the ghetto; Jews who lacked the necessary authentication stamps or documentation -- the vast majority of the Jewish population -- were seized and delivered to the assembly point at the Sobieski School. During the two-week operation, approximately 40,000 Jews were "deported," i.e., sent either to forced labor camps or to the Belzec killing center, where they were asphyxiated with poison gas. In addition to rounding up Jews to be deported during this operation, Ukrainian auxiliary policemen, including Kalymon, shot to death dozens of Jews who resisted, fled, or attempted to hide.

14. In a report signed by Defendant and dated August 14, 1942, Defendant wrote to his superiors that he "fired four shots at 7:00 p.m. on 14 August 1942, while serving in the Jewish operation. One person was wounded and one was killed." These events are confirmed by a summary report filed on the same date by the commander of the 5th Commissariat. The report states that on August 14, 1942, members of the 5th Commissariat delivered 2,128 Jews to a central assembly point. It also states that, during that operation, twelve Jews were "killed while escaping" and another seven Jews were wounded. Fourteen rounds of

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ammunition were expended, four by Kalymon and ten by three other auxiliary policemen of the 5th Commissariat.

15. On August 20, 1942, Defendant along with other auxiliary policemen of the 5th Commissariat, acting in conjunction with the German *Schutzpolizei* [Municipal Police], delivered 525 Jews to the collection point. A total of 14 Jews who attempted to escape or who "offered resistance" were shot and killed, while another six Jews were wounded. Members of the 5th Commissariat expended 49 rounds of ammunition during this operation. Defendant fired two of these rounds.

16. The next day, on August 21, 1942, auxiliary policemen of the 5th Commissariat rounded up and delivered to the assembly point an additional 805 Jews. During the operation, they killed 12 Jews and wounded three. Kalymon fired two rounds of ammunition during this operation.

17. By the end of 1942, L'viv's Jewish population had been reduced to roughly 24,000 from over 100,000 just nine months earlier.

18. Following the "Great Operation," the 5th Commissariat was re-designated the 7th Commissariat. Defendant served in the 7th Commissariat until at least September 1943. In a roster dated July 29, 1943, he is listed as "Guard Commander." Sometime after September 1943, Defendant transferred to the 4th Commissariat, where he remained until at least March 1944.



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19. In March 1949, Defendant sought a determination from the United States Displaced Persons Commission ("DPC") that he was a Displaced Person as defined in the Displaced Persons Act of 1948, Pub. L. No. 80-774, ch. 647, 62 Stat. 1009 ("DPA"), and was therefore eligible to immigrate to the United States under the DPA.

20. In connection with his application to the DPC, Defendant misrepresented his employment and residences from 1941 to 1944. With respect to his residences, he falsely claimed that he was in Kovanca, Poland from 1939 to 1943. Regarding his employment, he falsely stated: (1) that he was "an employee" in Kovanca, Poland from 1939 to 1943; and (2) attended "Special Driver School" in "Lwow," Poland from 1943 to 1944.

21. In making these claims, Defendant concealed his service from at least May 1942 until at least March 1944, in the 5th/7th and 4th Commissariats of the Ukrainian Auxiliary Police in L'viv.

22. Relying upon Defendant's misrepresentations, the DPC determined that Defendant was an eligible Displaced Person.

23. On or about April 21, 1949, Defendant filed an Application for Immigration Visa and Alien Registration with the American Consulate in Munich, Germany, to obtain an immigrant visa to enter the United States under the DPA.

24. On his visa application, Defendant misrepresented his residences from 1941 to 1944. He falsely claimed that, from 1939

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to August 1943, he had resided in "Komantscha," Poland and from August 1943 to July 1944 he resided in Lemberg (i.e. L'viv), Poland. The application gives Defendant's occupation as "shop assistant."

25. On his visa application, Defendant concealed that he arrived in L'viv no later than May 1942. Additionally, Defendant concealed his service from at least May 1942 until at least March 1944 in the 5th/7th and 4th Commissariats of the Ukrainian Auxiliary Police in L'viv.

26. Defendant orally swore to the truth of the information on his visa application.

27. Based on the false information provided by Defendant to U.S. authorities, on or about April 22, 1949, Defendant was issued Immigration Visa No. 6068/53 under the DPA.

28. Defendant used this immigration visa to enter the United States at the Port of New York on or about May 4, 1949.

29. On or about September 15, 1955, Defendant signed and filed a Petition for Naturalization with the United States Immigration and Naturalization Service. He orally swore to the truth of the information he provided therein.

30. On October 11, 1955, the United States District Court for the Northern District of Illinois granted Defendant's Petition for Naturalization and issued to him Certificate of Naturalization No. 7536855.

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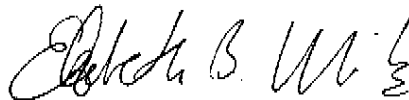
31. There exists good cause for the institution of proceedings against Defendant to revoke and set aside the order admitting Defendant to naturalization and to cancel his Certificate of Naturalization, pursuant to Section 340(a) of the Immigration and Nationality Act, 8 U.S.C. § 1451(a), because Defendant illegally procured his admission into this country and his naturalization.

32. Defendant resides at 1539 Devonshire Drive, Troy, Michigan, 48098.

**DECLARATION IN LIEU OF JURAT**

(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6<sup>th</sup> day of January, 2004.



Dr. Elizabeth B. White  
Chief Historian  
Criminal Division  
Office of Special Investigations  
United States Department of Justice  
John C. Keeney Building  
10th & Constitution Ave., NW  
Suite 200  
Washington, D.C. 20530  
(202) 616-2492

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

United States of America

04-60003

(b) County of Residence of First Listed Plaintiff 28888  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

John Kalymon  
a.k.a. Ivan/Iwan/John  
Kalymon/Kalymun

County of Residence of First Listed Oakland

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Gregory S. Gordon, Office of Special Investigations - DOJ  
10th St. & Constitution Ave. NW  
John C. Keeney Bldg., Ste. 200, Washington, D.C. 20530  
(202) 618-2492

Attorneys (If Known)  
**JUDGE MARIANNE O. BATTANI**  
Andrew J. Haliv  
37000 Grand River Ave., Ste. 350  
Farmington Hills, MI 48335  
*Majzoub*

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |   |                            |
|---|---------------------------------------|---|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 890 Other Statutory Actions

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Section 340(a) of the Immigration & Nationality Act of 1952, 8 U.S.C. Section 1451(a). Action to revoke citizenship of defendant.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/8/04

SIGNATURE OF ATTORNEY OF RECORD

*Gregory S. Gordon*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously discontinued or dismissed?

☐ YES ☒ NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ YES ☒ NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

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NOTES: